



Disenfranchising the Military

Gore talks of "unity." But now we learn the Clinton-Gore administration didn't want any soldiers to vote on base.

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Basking in his Florida Supreme Court victory last night, Al Gore waxed high-minded. "Both Gov. Bush and I should urge all our supporters to refrain from any comments . . . that could make it harder for us to come together as one nation when the process is completed," he declared in a speech at his residence, delivered just in time for the 11 o'clock news on the East Coast.

But what about the *actions* of Mr. Gore's supporters? Down in Florida, in a concerted effort to trim George W. Bush's margin of victory, they challenged a great many overseas absentee ballots, many of which come from military members. County canvassers disqualified a total of 1,527 ballots from overseas, according to an Associated Press report--more than 40% of the total. What could be more divisive than disenfranchising Americans who are risking their lives to defend their country?

Democrats are clearly nervous about being portrayed as being hostile to the rights of soldiers to vote. Well, they now have another PR challenge. Last year, the Clinton Defense Department sent all military commanders a directive ordering that no DOD facility could be used as a polling place, even if it had been planned for use in the 2000 election. The Pentagon eventually retreated, and Congress passed legislation leaving polling places for this year intact, but last month it formally opposed a bill, which the House has already approved, to make clear that polling places are allowed at military facilities. The bill is languishing in the Senate; with the clock ticking on the lame-duck session, the Democratic leadership hasn't responded to Republican requests that they agree to allow it to come to a vote.

The original Pentagon directive, issued by Secretary Bill Cohen's office, warned military commanders "to not allow their installation facilities to be used for polling or voting sites. Locating polling or voting places on a military installation may result in conduct which could inadvertently violate one or more statutory prohibitions."

When commanders asked why they would have to evict voting locations that had been in use for decades, the Pentagon told them it was to prevent the use of the sites for partisan campaigning and to guard against intimidation of voters by military authorities. But laws exist in all 50 states barring electioneering near polling places, and there is no history of voters being dissuaded from voting because men in uniforms are nearby.

The Election Center, a service association made up of more than 1,000 local election officials, began receiving reports that managers of National Guard armories and Army Reserve offices were planning to shut down polling places. Doug Lewis, the center's director, says the directive would have "greatly inconvenienced" soldiers in their families, especially in remote locations in Alaska and Utah.

Other states were involved as well. Terrance Post, the city treasurer of Arden Hills, Minn., wrote that his city was left "literally scrambling to comply" with the order to move its location from an Army Reserve center in time for the state's primary this year. "We believe this directive was based on an inaccurate reading of laws that dated from the Civil War," Mr. Lewis told me.

The secretaries of state of 17 states also wrote the Pentagon to protest the directive. One Republican secretary of state, who asked not to be identified, told me the directive was "probably rooted in a desire to make sure military people didn't have an easy time voting because of their partisan leanings towards Republicans."

This pressure persuaded the Pentagon to make clear its order didn't include National Guard facilities. Congress became involved and in July passed a bill prohibiting the Defense Department from closing any polling places during the current election season. At the same time, Rep. Bill Thomas, a California Republican, introduced a bill that would permanently bar the Pentagon from closing polling places on military bases. H.R. 5174 passed the House 297-114 last month.

At that point, the Clinton administration weighed in to oppose it. In an Oct. 10 letter to Rep. Thomas, Pentagon general counsel Douglas Dworkin wrote that the administration had a "policy of maintaining strict separation between the military and political process." Mr. Dworkin went on to say, "Placement of voting sites on military installations in which 'troops or armed men' are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics." He acknowledged that "some installations have overlooked the Department's policy on this issue in the past," but asserted that from now on "local election officials have been advised to designate a new polling place as soon as possible."

Congressional leaders were unimpressed. An Oct. 17 letter from Rep. Thomas, Chairman Floyd Spence of the Armed Services Committee and Chairman Bob Stump of the Veterans Affairs Committee declared: "Allowing and even encouraging people to exercise their right to vote does not involve the military in 'partisan politics' as the General Counsel alleges."

They also noted that the Pentagon was basing its directive on a Civil War-era law barring commanders from having "troops or armed men at any place where a general or special election is held." But the same law also stated that "this section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district." The members wrote that "without the clarifying, discretionary authority of H.R. 5174, DOD will find itself, in some circumstances, hindering or denying 'the right of suffrage' in some election districts."

However, the Clinton administration remains opposed to the law and is quietly trying to bury it in the lame-duck session. Senators told me that requests to Democratic leaders in that body to allow the bill to come to the floor--a courtesy the majority party usually extends, so as to avoid a filibuster--have gone ignored. An aide to Senate Minority Leader Tom Daschle told me yesterday they had never heard of the bill. The office of Sen. Carl Levin, ranking Democrat on the Armed Services Committee, didn't return a late call.

Democrats appear to be paying lip service to the right of the military to vote while their actions tell a different story.

On Monday, Florida's Democratic Attorney General Bob Butterworth sent out a PR damage control letter to local election officials. It asked them to count overseas military ballots that had been rejected solely because of the lack of a postmark (the most common reason for rejection) if they had a date on the envelope. But Mr. Butterworth has no authority over local election officials. In addition, only *federal* ballot envelopes have a space to list the date; the *county* envelopes that almost all of the military used do not. "Few, if any, of the ballots from overseas" are dated, noted the St. Petersburg Times.

"The only reason he's doing this is because of all the flak they're getting for rejecting all those military ballots," says Brevard County Election Supervisor Fred Galey. "It's a Trojan horse, don't fall for it."

Patricia Holarn, the Okaloosa County Elections Supervisor, concurred: "This is a political act, that's all it is."

But Democrats don't appear to be looking back. They've dispatched Sen. Bob Kerrey, a Vietnam War hero, to do spin patrol in Florida on the military ballot issue and are hoping it will disappear over the Thanksgiving holiday. It shouldn't. While it's true that absentee ballot regulations should be taken very seriously as a means to prevent fraud, it does appear that a memo prepared by Democratic lawyer Mark Herron of Tallahassee counseled partisans to take extraordinary efforts to disqualify military ballots.

Perhaps it's now time to ask the Clinton-Gore administration why it opposes polling places on military bases. And the Democratic senators showing up on talking-head shows this weekend should be grilled as to why that bill isn't being brought to a vote on the Senate floor. If the Democrats are sincere when they say they support the right of servicemen to vote, they will tell Republicans to put that bill on the fast track.